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Hearing Date: July 13, 2010, at
2:00 pm in Courtroom 2, United
States Bankruptcy Court, 900
Market Street, Philadelphia, PA
19107

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Edward J. Fortescue, Sr.
Jill L. Fortescue
Debtor(s)

Chapter 13 Proceeding

09-12545 BIF

**MOTION OF WELLS FARGO HOME MORTGAGE FOR RELIEF OF FROM
THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, Wells Fargo Home Mortgage (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to lack of equity in debtor(s) property and debtor(s) failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about April 6, 2009, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On August 23, 2006, the debtor executed a Mortgage and Note to Wachovia Mortgage Corporation in the amount of \$238,400.00 and secured by the property located at 1517 Muhlenburg Drive, Blue Bell, PA 19422, referred to as the "property" (See Exhibit "A" attached). Movant is the loan servicer
3. The debtor is presently in arrears post petition for two (2) months, May 2010 to June 2010. The total arrears including \$800.00 for attorney fees and costs is \$4,322.99.
4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.

5. Pursuant to 11 U.S.C.A. section 362 (d) (1) and (2), Wells Fargo Home Mortgage will suffer irreparable injury, harm and damage if relief from the stay is not granted.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Wells Fargo Home Mortgage to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. And that bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non Bankruptcy law. Furthermore Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant

RESPECTFULLY SUBMITTED,

s/ MARY F. KENNEDY, ESQ.

Dated: June 22, 2010